

IN SENATE OF THE UNITED STATES.

JANUARY 24, 1848.

Submitted, and ordered to be printed.

Mr. BALDWIN made the following

REPORT:

[To accompany bill S. No. 43.]

*The Committee of Claims, to whom was referred the "bill (S. No. 43) for the relief of Jeanette C. Huntington, widow and sole executrix of William D. Cheever, deceased," have had the same under consideration, and, after a careful examination of the facts of the case, adopt the language of a report made by the Committee of Claims of the Senate at the 2d session 29th Congress, which is as follows:*

"That this claim has been repeatedly before Congress, and has always received a favorable consideration. The testator, William D. Cheever, was a contractor for supplying the army with provisions during the late war with Great Britain. By his contract he was entitled to receive large advances from the government, which, to a great extent, were made to him in treasury notes. In October and November, 1814, and March, 1815, he received from the treasury, notes of this description to the amount of \$657,200. These notes were at that time depreciated in the market, and not available to the contractor except at a discount. Upon a representation of this fact to the War Department, Mr. Monroe, then Secretary of War, directed Cheever to "use the notes in aid of his credit, by borrowing money until other arrangements could be made by the government." He did so, by pledging the notes to the banks as collateral security for loans. When these loans became payable, Cheever drew upon the government for funds to redeem the notes, which were still depreciated, but his drafts were protested. The consequence was, that the notes were sold at a discount to meet the loans. The loss on this sale amounted to the sum of \$21,231 18. As the same notes were charged to Cheever at par in the adjustment of his accounts at the department, he claimed that amount as due him, being the difference between the nominal and actual value, as he was entitled by his contract to receive current funds from the government. As no discretion was vested in the accounting offi-

cers to make the allowance, he was referred to Congress as the only power which could grant relief.

"At the 2d session of the 27th Congress an act was passed for his relief, by which the subject of his claim was referred to Secretary of War, who was directed to investigate the claim and report his decision to Congress; but no appropriation was made for the payment.

"On the 18th December, 1843, the Secretary of War made his report to Congress, in compliance with that act, going somewhat at large into a discussion of the claim, and concluding with the following emphatic language: '*It is a claim, therefore, as it seems to the undersigned, not only of the strongest equity, but of strict legal right.*'"

"This report of the Secretary of War is appended to the report of the Committee of Claims of the Senate made on the 13th January last, (Senate document No. 57, 1st session 29th Congress,) as is also a report of the Third Auditor and one of the Comptroller.

"The amount found to be due by these officers is the sum above stated, of \$21,231 18. The object of the present application is to obtain an appropriation for the payment.

"The committee fully concur in the views of the Secretary of War, that this is a claim 'not only of the strongest equity, but of strict legal right.' They therefore submit the accompanying bill."

Your committee, therefore, respectfully recommend the passage of the bill without amendment.